

Serial No. 09/741,542  
Filed: December 20, 2000

The specification was objected to for various informalities which have been corrected hereinabove. Reconsideration and withdrawal of these objections are earnestly solicited.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Verwohl (U.S. Patent No. 5,514,343) in view of Berthold (U.S. Patent No. 5,048,957) and Rothermel (U.S. Patent No. 4,534,465).

Applicants' claimed invention is a rack for use in a compound handling system for handling a multiplicity of tubes containing aliquots of chemical or biological samples. This rack comprises a single piece frame, storage compartments within said frame, and means for retaining a sample tube within each of said storage compartments. The single piece frame has a top side and a bottom side. The storage compartments within said frame are each configured and dimensioned to receive a sample tube containing a chemical or biological sample. Each of said storage compartments has an inner wall and is open at the top side of the frame and open at the bottom side of the frame so that a sample tube is insertable within the inner wall of the storage compartment and into the storage compartment from either the top side of the frame or the bottom side of the frame and is removable from the storage compartment from either the top side of the frame or the bottom side of the frame with one and the same orientation of the sample tube with respect to the frame. The means for retaining a sample tube within each of said storage compartments are an integral part of said frame. Said retaining means are a part of the inner wall of each storage compartment, that part of said inner wall being configured and dimensioned to cooperate with a part of the outer wall of a

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sample tube in order to retain the sample tube at a predetermined position within said compartment.

Neither Verwohl<sup>t</sup> nor Berthold teach or suggest a rack having storage compartments each of which is open at both ends (top and bottom) as is required in applicants' claims, much less a rack that allows a sample tube to be inserted within the inner wall of the storage compartment and into the storage compartment from either the top side of the frame or the bottom side of the frame. Furthermore, there is no motivation in either of these documents to modify a rack so that a tube is removable from the storage compartment from either the top side of the frame or the bottom side of the frame with one and the same orientation of the sample tube with respect to the frame.

Rothermel does not provide the teaching missing from Verwohl<sup>t</sup> and Berthold. While Rothermel discloses a test tube support that has openings at both ends, Rothermel fails to disclose a rack wherein each storage compartment has retaining means which are an integral part of the rack frame and are adapted to retain a sample tube at a predetermined position. Moreover, applicants have amended their claim to indicate that the insertion and removal of the tube can be effected "with one and the same orientation of the sample tube with respect to the frame." This feature is nowhere disclosed by Rothermel which only discloses insertion through the top opening of the test tube support.

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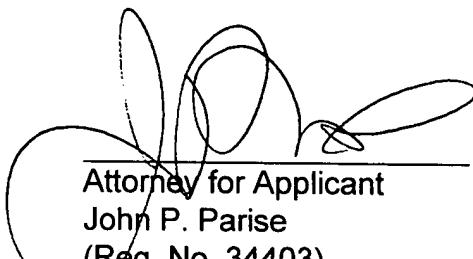
No combination of Verwohlt, Berthold, and Rothermel teaches or suggests applicants' claimed invention. Therefore, applicants request that all rejections under 35 U.S.C. § 103 be withdrawn.

In view of the above, applicants request reconsideration, withdrawal of all rejections, and the issuance of a Notice of Allowance.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicants request that the undersigned attorney be contacted at the number below.

No fee, except the fee for a one-month extension of time, is required in connection with the filing of this Amendment. If any fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the specification, the second paragraph of page 5 was amended as follows:

-- The tubes are made of a material which stays elastic at lower temperatures, such as -20 degrees Celsius [Celcius] ("°C"). It has been found that polypropylene is suitable for this purpose. --

In the specification, the fourth paragraph of page 5 was amended as follows:

-- The storage racks with the tubes containing [the compound containing] the aliquots are stored in a cold room (shown in Fig. 4). The cold room is humidity-controlled and kept at a temperature of -20° Celsius [centigrade]. The cold room is equipped with vertical shelf partition walls 11 having support elements 12 extending therefrom. The support elements are provided with inclined upper edges 13 for the purpose of centering the racks 1 resting thereon. --

Claim 1 was amended as follows:

-- 1. (Amended) A rack for use in a compound handling system for handling a multiplicity of tubes containing aliquots of chemical or biological samples, which comprises:

a single piece frame, said frame having a top side and a bottom side;

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storage compartments within said frame that are each configured and dimensioned to receive a sample tube containing a chemical or biological sample, each of said storage compartments having an inner wall and being open at the top side of the frame and open at the bottom side of the frame so that a sample tube is insertable within the inner wall of the storage compartment and into the storage compartment from either the top side of the frame or the bottom side of the frame and is removable from the storage compartment from either the top side of the frame or the bottom side of the frame with one and the same orientation of the sample tube with respect to the frame, and

means for retaining a sample tube within each of said storage compartments, said retaining means being an integral part of said frame, said retaining means being a part of the inner wall of each storage compartment, that part of said inner wall being configured and dimensioned to cooperate with a part of the outer wall of a sample tube in order to retain the sample tube at a predetermined position within said compartment.

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